IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Original Jurisdiction

Dated: Nainital: the 19th day of December, 2005
Crl. Bail Application No. 364 of 2005

Order on the bail application of accused
Criminal Side

Rehemat
S/o Yaqoob
R/o Village- Rampur
Police Station – Gangnaher Roorkee
District- Haridwar
……..Applicant

Versus

State of Uttaranchal ……....Opposite Party

Arising out of Crime No.122 of 2004
Under Sections: 498-A, 304-B, 201 of I.P.C. & 3/ 4 Dowry Prohibition Act.
Police Station: Gangnaher Roorkee
District: Haridwar.

Hon'ble Prafulla C. Pant, J.

This is bail application moved on behalf of the accused Rehemat S/o Yaqoob who is in jail in connection of crime No. 122 of 2004 under Section 498-A, 304-B, 201 of I.P.C. and 3/ 4 Dowry Prohibition Act, Police Station- Gangnaher Roorkee, District- Haridwar.

Heard learned counsel for the applicant and learned A.G.A.

Applicant was husband of the deceased Nazara who died on 02.01.2003. Complainant, under Section 153(3) of Code of Criminal Procedure, 1973 was submitted an application before the Judicial Magistrate, Roorkee, which was registered as M 24 of 2003 on 27.02.2003. On said date, learned Magistrate directed the police to enquire and report by 04.03.2003. The copy of said complaint is Annexure-2 to the bail application. Annecusere-3 to the bail application shows that after enquiry on 04.03.2003, police submitted report that Nazara died on 02.01.2003 during delivery of child and this

information was given to her parents. It is further mentioned in said report that it is wrong to say if Nazara died due to harassment on account of non-fulfillment of dowry. Lastly, it is mentioned in said report that even Mohd. Yasin and Rashid who are not members of family of Rehemat Ali (applicant) were also named in the complaint. It appears that again another application/complaint (copy Annexure-4) under Section 156 (3) of the Code was moved on 06.03.2003 by the complainant which was registered as application No. 31 of 2003 and on 06.03.2003, learned Magistrate directed the police to register and investigate the crime, in pursuance of which F.I.R. appears to have been registered on 21.07.2004 and charge sheet was filed there after. Other co-accused are already released on bail.

Considering the above facts and circumstances of the case, it is fit case for bail. Let the applicant be released on bail on executing personal bond and furnishing of two surety bonds to the satisfaction of Chief Judicial Magistrate, Haridwar.

Dt. 19.12.2005 **(Prafulla C. Pant, J.)**

Sweta